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OFFICE OF PETITIONS

In re Application of	:	
Rinerson et al.	:	
Application No. 10/612733	:	DECISION ON APPLICATION
Filed: 07/01/2003	:	FOR PATENT TERM ADJUSTMENT
Patent No. 7,079,442	:	AND
Issued: 07/18/2006	:	NOTICE OF INTENT TO ISSUE
Attorney Docket Number: UNTYP015	:	CERTIFICATE OF CORRECTION

This is a decision on the "Request for Reconsideration of Decision on an Application for Patent Term Adjustment Under 37 CFR § 1.705(d)", filed May 14, 2007. Patentee request that the revised patent term adjustment indicated on the face of the patent be corrected from two hundred seventy-one (271) days to three hundred fifteen (315) days.

The request for reconsideration of decision on application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is hereby **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred fifteen (315) days.

On July 18, 2006, the above-identified application matured into U.S. Patent No. 7,079,442. The patent issued with a PTA of two hundred seventy (270) days. Patentee filed an Application for Patent Term Adjustment Under 37 CFR § 1.705(d) on July 18, 2006, requesting reconsideration of the Patent Term Adjustment. By decision mailed March 19, 2007, the Application for Patent Term Adjustment was granted to the extent that the revised patent term adjustment was corrected to two hundred seventy-one (271) days. In association with the filing of an amendment on January 13, 2006, and a request under 37 CFR 1.48 and supplemental oath or declaration on January 13, 2006, pursuant to 37 CFR 1.704(c)(10), periods of reduction of 76 days and 44 days respectively were entered. The Office did not agree with Patentee's contention that the Office action mailed March 29, 2006 responded to both papers and thus, only a period of reduction of 76 days should have been entered. Thus, the period of reduction of 44 days was not removed.

The period of reduction of 44 days is at issue on instant request for reconsideration. Patentee's arguments have been reconsidered and it is determined that removal of the 44 day period of reduction is warranted. In this instance, it is proper to use the date of mailing of the Office

action of March 29, 2006 as the date the Office took action in response to both the amendment and the request under 37 CFR 1.48. Patentee is correct that the examiner would have taken action in response to both requests in that Office action.

The period of reduction for Applicant's delay is correctly calculated as 41+76 days, or one hundred seventeen (117) days.

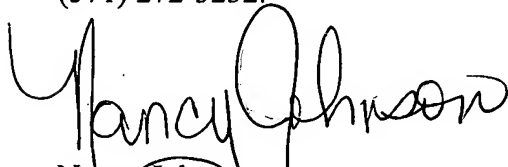
In view thereof, it is concluded that the patent should have issued with a revised Patent Term Adjustment of three hundred fifteen (315) days (432 days of Office delay reduced by 117 days of applicant delay).

Receipt is acknowledged of the \$200.00 fee set forth in 37 CFR 1.18(e) on July 18, 2006. No additional fees are required.

It is noted that a review of the front page of the issued patent reveals that inventor Steve Kuo-Ren Hsia is listed thereon, and has not been removed, contrary to Patentee's assertion. Patentee may wish to file a petition under 37 CFR 1.324 to correct inventorship in an issued patent.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by three hundred fifteen (315) days.

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl.: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,079,442 B2

DATED : July 18, 2006

INVENTOR(S) : Rinerson et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (271) days.

Delete the phrase "by 271 days" and insert – by 315 days--